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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/523,051

02/02/2005

Robert Allan Phillips

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MERCHANT & GOULD PC  
P.O. BOX 2903  
MINNEAPOLIS, MN 55402-0903

EXAMINER

LARYEA, LAWRENCE N

ART UNIT

PAPER NUMBER

3768

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/523,051

Applicant(s)

PHILLIPS, ROBERT ALLAN

Examiner

Lawrence N. Laryea

Art Unit

3768

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 02/02/05 06/12/2006.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 5 are objected to because of the following informalities:

At claim 5, line 7, "who" should be read --whom--.

Appropriate correction is required

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. At claim 1, line 7 recite the limitation "fonn." It is unclear what applicant meant by "fonn".

5. Claim 5, line 2 recite the limitation "the device".

There is insufficient antecedent basis for this limitation in the claim.

There is insufficient antecedent basis for this limitation in the claim.

6. Claim 7, line 4 recite the limitation "said listener".

There is insufficient antecedent basis for this limitation in the claim.

7. Claim 8, line 2 recite the limitation "said listener".

There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by **Gilbert et al (Patent 6530887)**.

10. Re claims 1 and 7: **Gilbert et al** teach a portable apparatus for conveying blood flow parameters to a user, the apparatus comprising: a transducer device (**probe, 364**) for providing for a Doppler monitoring of flows within a patient (**See Col. 2, line 59-67**); a processing unit (**360**) interconnected to said transducer unit and adapted to extract a blood flow signal from the operation of said transducer and process said blood flow signal so as to produce a video blood flow signal and an audio blood flow signal; a display unit interconnect to said processing unit for visualizing the video blood flow signal(**See Col. 28, line 41-45, Col. 36, line 54-56 and Col. 28, line 64-66**); and at least one audio emission device(**a pair of speakers and cables**) interconnected to said processing unit for emission of said audio blood flow signal to the ears of said user (**See Fig.11**).

11. Re claim 2: **Gilbert et al** teach a portable apparatus for conveying blood flow parameters to a user wherein a processing unit (**360**) and a display unit (**370**) are packaged as a handheld device (**See Fig.11**).

Art Unit: 3768

12. Re claims 3,4 and 8: **Gilbert et al** teach a portable apparatus for conveying blood flow parameters to a user wherein a processing unit (**See Col. 29, line 4-45**) performs audio spatialisation (**spectral sonogram**) includes a spatial separation of information in accordance with the depth of the received signal from a transducer element (**See Col. 32, line 12-29 and Col. 30, line 39-41**) and the number of audio emission devices is at least two (**See Fig.11**).

13. Re claims 5 and 6: **Gilbert et al** teach a portable apparatus for conveying blood flow parameters wherein a microphone is configured with a computer during the medical examination. (**See Fig.11 for microphone and Col. 3, line 53-54 for storage means (memory)**). Also, see **Fig. 12** where a laptop computer is used for storing and retrieving information associated with subjects of examined results.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Gould (Patent 5546943)** discloses an invention wherein 3D audio spatialization is used to convey blood flow to a user.

**Shaya et al (Patent 5447164)** disclose a medical device that stores and displays a patient's information received from a transducer.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence N. Laryea whose telephone number is 571-272-9060. The examiner can normally be reached on 9:30 a.m.-5:30 p.m. EST.

Art Unit: 3768

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eleni Mantis-Mercader can be reached on 571-272-4740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LNL

  
ELENI MANTIS MERCADER  
SUPERVISORY PATENT EXAMINER